

selected from formic acid, acetic acid, propionic acid, butyric acid, and valeric acid; and

- (b) treating said bacterial cells with said solution to create a mixture of soluble and insoluble material, whereby said treating comprises mixing said cells with said acid, incubating said mixed cells and acid, and clarifying said mixed cells and acid to yield a recovered solution, said recovered solution comprising one or more purified polypeptides.

REMARKS

The Office Action dated May 31, 2002 has been carefully reviewed and the foregoing amendments to the application have been made in consequence thereof. Claims 8 and 13 have been cancelled. Claims 1, 9 and 14 have been amended in order to advance the prosecution of this application. Claims 1-7, 9-12, and 14-16 remain active in this application.

The Examiner rejected claims 1-16 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 1 has been amended to describe treating said sample with said acid under conditions such that said one or more structural polypeptides are purified and recovered in a solution. Amended Claim 1 makes it clear as to the point at which the structural polypeptides become purified.

The Examiner rejected Claims 8 and 13 for failure to further limit Claims 7 and 12 from which they depend, respectively. Claims 8 and 13 have been cancelled.

The Examiner stated that Claims 9-16 are unclear as to the purpose of Step c in Claims 9 and 14. Claims 9 and 14 have been amended to delete Step c in each claim.

The amended claims are supported by the Examples which are described in the specification.

Therefore, in view of the amendments described above, Applicants assert that Claims 1-7, 9-12, and 14-16 particularly point out and distinctly claim the invention.

The Examiner rejected claims 1, 3-9, 11-14 and 16 under 35 U.S.C. 102(b) as being anticipated by Lombardi et al. Claims 8 and 13 have been cancelled. Applicants provide herewith a Declaration under 37 C.F.R. 1.132 in which it is declared that the use of HCl as stated in Lombardi et al. would be detrimental to the claimed invention. An Appendix is provided with the Declaration in support thereof. In view of the Declaration and Appendix, Applicants assert that the claimed invention is not anticipated by Lombardi et al.

In view of the foregoing amendments, Declaration, Appendix and remarks, it is believed that claims 1-7, 9-12, and 14-16 in this application are allowable, and a Notice to that effect is respectfully solicited.

Should the Examiner wish to contact the Applicants' attorney regarding this application, the Examiner is respectfully invited to do so by calling or writing the undersigned in the Office of Counsel, U.S. Army Soldier and Biological Chemical Command, Natick, MA 01760-5035 at 508-233-4510.

Respectfully submitted,

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Vincent J. Ranucci

Vincent J. Ranucci
Attorney for Applicant
Registration No. 29,579

1. (Three Times Amended) A method, comprising:
 - (a) providing: i) a biological sample comprising one or more structural polypeptides; and ii) an acid consisting essentially of an organic acid;
 - (b) treating said sample with said acid under conditions such that said one or more [purified] structural polypeptides [is] are purified and recovered in a solution, said treating comprising mixing said sample with said acid, incubating said mixed sample and acid, and clarifying said mixed sample and acid to yield the recovered solution comprising said one or more purified polypeptides.
9. (Three Times Amended) A method, comprising:
 - (a) providing: i) host cells expressing one or more recombinant structural polypeptides, and ii) a solution consisting essentially of an organic acid; and
 - (b) treating said host cells with said solution to create a mixture of soluble and insoluble material, whereby said treating comprises mixing said cells with said acid, incubating said mixed cells and acid, and clarifying said mixed cells and acid to yield a recovered solution, said recovered solution comprising one or more purified polypeptides[; and].
 - [(c) recovering said one or more recombinant polypeptides in the recovered solution.]
14. (Three Times Amended) A method, comprising:
 - (a) providing: i) bacterial cells expressing one or more recombinant structural polypeptides, and ii) a solution consisting essentially of an organic acid selected from formic acid, acetic acid, propionic acid, butyric acid, and valeric acid; and

- (b) treating said bacterial cells with said solution to create a mixture of soluble and insoluble material, whereby said treating comprises mixing said cells with said acid, incubating said mixed cells and acid, and clarifying said mixed cells and acid to yield a recovered solution, said recovered solution comprising one or more purified polypeptides[; and].
- [(c) recovering said one or more recombinant polypeptides in the recovered solution.]